

News from Ed Markey

United States Congress
FOR IMMEDIATE RELEASE
October 29, 2003

Massachusetts Seventh District
CONTACT: Israel Klein
or Jeff Duncan
202-225-2836

HOUSE APPROVES MARKEY MOTION ON NUCLEAR SECURITY

WASHINGTON, D.C. – Last night the House of Representatives voted 346-59 to approve a motion offered by Representative Edward J. Markey (D-MA) to instruct the House conferees on the energy bill, H.R. 6, to drop proposals backed by the nuclear power industry to weaken provisions in the House-passed version of the bill that would strengthen security at nuclear power plants.

“Adoption of this instruction is sorely needed, for despite the President’s warnings about terrorist interest in targeting nuclear power plants in America, the Republican energy conferees apparently have decided to weaken nuclear security legislation previously adopted by the House as part of H.R. 6, the energy bill,” said Rep. Markey, a senior Democratic Member of the House Energy and Commerce Committee and one of the Democratic conferees on the bill.

Rep. Markey added, “Last night’s vote shows that there is overwhelming bipartisan support in the House for strengthening the security at our nation’s nuclear plants, and the House conferees should listen to the message sent by this vote, not the special pleadings of the nuclear industry.”

Some of the key anti-terrorism provisions that have been weakened in the energy conference so far include:

1. Mandatory Nuclear Regulatory Commission (NRC) rulemaking to upgrade nuclear security regulations: The House bill required the NRC, within 360 days of the bill’s enactment, to “issue regulations, including changes to the design basis threat, to ensure that licensees address the threats” of a terrorist attack against a nuclear power plant in the United States. The Republican conferees have now weakened this provision so that it no longer mandates a new NRC rulemaking, but instead merely authorizes the NRC “to make such revisions to the design basis threats promulgated before the date of enactment of this section as the Commission deems appropriate based on the summary and classification report.” This is an entirely discretionary authority, with no deadline, and it would allow the NRC to deem the weak and inadequate “interim orders” that it has already adopted since the September 11th attacks to be sufficient and take no further action.

2. Consultation with Homeland Security regarding nuclear security risks: The House bill requires NRC to consult with the Department of Homeland Security concerning whether the location of a new nuclear power plant or its design provides for adequate protection of public health and safety if subject to a terrorist attack before Price-Anderson liability indemnification is provided to the plant. It also requires the NRC to consult with the Department of Homeland Security before issuing or renewing a license to operate a new or existing nuclear plant to determine the adequacy of the emergency evaluation plan for communities around the plant. The

Republican conferees have de-linked the consultation requirement from Price-Anderson liability indemnification and eliminated the requirement for consultation regarding adequacy of emergency evacuation plans. The conferees reportedly have also agreed to eliminate the requirement for consultation prior to a re-licensing of an existing power plant. Since no new nuclear power plant has been successfully ordered since 1973, this means the consultation provisions would not apply to any of the 103 currently operating nuclear power plants in America.

3. Nuclear materials transportation security: The House-passed bill required the NRC to establish a system to better ensure the security of nuclear materials transferred to, from, or within the United States. The latest Republican conference report draft, in contrast, limits the NRC's regulations to the security of imports or exports of nuclear materials – failing to cover the transportation of these materials within the country.

In voting for the Markey motion to instruct, the House of Representatives signaled its continuing support for the House-passed security provisions. 191 Democrats, joined by 154 Republicans and one Independent voted for the motion, while only 1 Democrat and 58 Republicans voted against it.

Rep. Markey concluded, "I certainly hope that the indications we received last week that the House Republicans intend to ignore this instruction from the House are not true, and that the House will continue to press the NRC and the nuclear industry to do more to secure sensitive nuclear facilities from the threat of a terrorist attack."

#